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12 Attorneys for Defendants
SAVVIS, INC. and SAVVIS
13 Communications Corporation, Inc.

14 UNITED STATES DISTRICT COURT
15 DISTRICT OF ARIZONA
16 TUCSON DIVISION

17 CUMIS INSURANCE SOCIETY,
18 INC., a Wisconsin corporation,

19 Plaintiff,

20 vs.

21 MERRICK BANK CORPORATION, a
Utah corporation; SAVVIS, INC., a
22 Delaware corporation, and DOES 1
through 1000,

23 Defendants.
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Case No. CV-07-0374-TUC-CKJ
Case No. CV-09-1088-PHX-CKJ
Case No. CV 08-2233-PHX-CKJ

**SAVVIS, INC. AND SAVVIS
COMMUNICATIONS CORP.'S
FACT WITNESS DISCLOSURE
PURSUANT TO FRCP 26(a)(3)**

1 Pursuant to Federal Rule of Civil Procedure 26 and the Court's Scheduling
2 Order, Defendants Savvis Communications Corp. and Savvis, Inc. (collectively,
3 "Savvis") identify the following witnesses whom they may call live or by deposition
4 at trial.

5 This witness list is not a commitment that Savvis will call any particular
6 witness at trial or a representation that any of the witnesses listed are available or
7 will appear for trial. Should any of the witnesses listed herein fail to appear at trial,
8 Savvis reserves the right to use their deposition testimony. To the extent depositions
9 have not yet been taken of some of the individuals listed below, Savvis reserves the
10 right to call the witnesses by deposition rather than at trial. Defendants reserve the
11 right to offer, or not offer, any of the witnesses listed herein, and Defendants also
12 reserve the right to object to examination of these witnesses if Merrick Bank or
13 Cumis attempt to call them at trial. Defendants also reserve the right to call any
14 witness called by Merrick Bank or Cumis or listed by Merrick Bank or Cumis on
15 their witness lists. Defendants reserve the right to offer rebuttal witnesses that are
16 not identified on this list depending on the testimony of Merrick Bank's and
17 Cumis's witnesses. As discovery is ongoing, Savvis reserves the right to
18 supplement this list as additional facts are discovered.

19 **A. Witnesses That Savvis Expects To Call**

20 Savvis expects to call the following witnesses:

21 John Sutherland (Savvis may elect to call Mr. Sutherland by deposition)
22 1908 South 294th Place
23 Federal Way, WA 98003
24 Phone: (206) 255-3824 (represented by David Gehrke)

25 Paul Harker (Savvis may elect to call Mr. Harker by deposition)
26 1 SAVVIS Parkway
27 Town & Country, MO 63017
28 Phone: (713)401-9343

Adam Chovanak (Savvis may elect to call Mr. Chovanak by deposition)

1 c/o Irell & Manella LLP
2 1800 Avenue of the Stars, Ste. 900
3 Los Angeles, CA 90067.
4 Phone: (206)419-9295

5 Art Badger (Savvis may elect to call Mr. Badger by deposition)
6 30151 46th Avenue South
7 Auburn, WA 98001
8 Phone: 253-946-0691

9 Gary Levine (Savvis may elect to call Mr. Levine by deposition)
10 1390 Chain Bridge Road #660
11 McLean, VA 22101
12 Phone: (703) 286-7095

13 Bruce Cheng (Savvis may elect to call Mr. Cheng by deposition)
14 3510 Schuerman House Dr.
15 Fairfax, VA 22031
16 Phone: (703) 928-9889

17 Andy Tate (Savvis may elect to call Mr. Tate by deposition)
18 Datalink Bankcard Services Company
19 3505 Token Dr
20 Richardson, TX 75082
21 Phone: (800) 694-7999

22 Laurel Wadlund (Savvis may elect to call Ms. Wadlund by deposition)
23 5079 East Calle De Las Chacras
24 Tucson, AZ 85718
25 Phone: 520-626-9949

26 Linda Ford (Savvis may elect to call Ms. Ford by deposition)
27 64 Collie Drive
28 Sonoita, AZ 85637
Phone: Unknown, represented by Merrick Bank ((212) 818-9200)

Steve McHenry (Savvis may elect to call Mr. McHenry by deposition)
5621 N. Mina Vis
Tucson, AZ 85718-4121
Phone: Unknown, represented by Merrick Bank ((212) 818-9200)

Kipp Drake (Savvis may elect to call Mr. Drake by deposition)

1 CardWorks Processing
2 5451 East Williams Blvd.
3 Suite 201
4 Tucson, AZ 85711
5 Phone: (888) 999-6477

6 Margi White (Savvis may elect to call Ms. White by deposition)
7 CardWorks Processing
8 5451 East Williams Blvd.
9 Suite 201
10 Tucson, AZ 85711
11 Phone: (888) 999-6477

12 Bob Campbell (Savvis may elect to call Mr. Campbell by deposition)
13 CardWorks Processing
14 5451 East Williams Blvd.
15 Suite 201
16 Tucson, AZ 85711
17 Phone: (888) 999-6477

18 David Van Horn (Savvis may elect to call Mr. Horn by deposition)
19 Visa Inc.
20 123 Mission Street, 23rd Floor
21 San Francisco, CA 94105
22 Phone: (415) 932-2213

23 Joseph Majka (Savvis may elect to call Mr. Majka by deposition)
24 Visa Inc.
25 123 Mission Street, 23rd Floor
26 San Francisco, CA 94105
27 Phone: (415) 932-2213

28 Michael Timko (Savvis may elect to call Mr. Timko by deposition)
MasterCard Inc.
2000 Purchase Street
Purchase, NY 10577-2509
Phone: (914) 249-2000

John Brady (Savvis may elect to call Mr. Brady by deposition)
MasterCard Inc.
2000 Purchase Street

1 Purchase, NY 10577-2509
2 Phone: (914) 249-2000

3 Christa Loger (Savvis may elect to call Ms. Loger by deposition)
4 c/o SEDGWICK, DETERT, MORAN & ARNOLD
5 801 S. Figueroa Street, 19th Floor
6 Los Angeles, California 90017
7 Phone: (213) 426-6900

8 David Watson (Savvis may elect to call Mr. Watson by deposition)
9 c/o SATTERLEE, STEPHENS, BURKE & BURKE
10 230 Park Avenue
11 New York, NY 10169
12 Phone: (212) 818-9200

13 Richard Urrutia (Savvis may elect to call Mr. Urrutia by deposition)
14 c/o SATTERLEE, STEPHENS, BURKE & BURKE
15 230 Park Avenue
16 New York, NY 10169
17 Phone: (212) 818-9200

18 Fred Horn (Savvis may elect to call Mr. Horn by deposition)
19 c/o SATTERLEE, STEPHENS, BURKE & BURKE
20 230 Park Avenue
21 New York, NY 10169
22 Phone: (212) 818-9200

23 Craig Davis (Savvis may elect to call Mr. Davis by deposition)
24 c/o SATTERLEE, STEPHENS, BURKE & BURKE
25 230 Park Avenue
26 New York, NY 10169
27 Phone: (212) 818-9200

28 **B. Witnesses That Savvis May Call As The Need Arises**

Savvis may call the following witnesses:

Mike Gaire
c/o Irell & Manella LLP
1800 Avenue of the Stars
Los Angeles, CA 90067
Phone: (310) 203-7563

1 Tony Leete
2 185 Claiborne Ave
3 Rocky Mount, Virginia 24151
4 Phone: (540) 483-4616

5 Chris Mark
6 6443 N. Business Park Loop Rd. Suite 8
7 Park City, UT 84098
8 Phone: (888) 616-3330

9 Mark Weiner
10 Reliant Security
11 450 7th Ave., Suite 2305
12 New York, NY 10123
13 Phone: (917) 338-2200

14 Patrick Harbauer
15 Vonoa
16 6745 Kingery Highway
17 Willowbrook, IL 60527
18 Phone: (630) 590-5047

19 John Perry
20 450 Windsor Place
21 Atlanta, GA 30327
22 Phone: currently unknown

23 John Cramp
24 9800 Avenel Farm Drive
25 Rockville MD 20854
26 Phone: (301) 469-1452

27 Tim Lum
28 Amadeus Revenue Integrity
3530 East Campo Abierto, Suite 200
Tucson, AZ 85718-5876
Phone: (520) 577-6500

Bob Berger
CardWorks Processing
5451 East Williams Blvd.

1 Suite 201
2 Tucson, AZ 85711
3 Phone: (888) 999-6477

4 Shane Kim
5 500 East Pratt Street, Ste. 1200
6 Baltimore, MD 21202
7 Phone: currently unknown

8 Rob Metzger
9 c/o William Blair & Company
10 222 West Adams, 33rd Floor
11 Chicago, IL 60606
12 Phone: currently unknown

13 Trudy Nowak
14 Anderson & Nowack, PLC
15 2211 E. Highland Ave., Suite 211
16 Phoenix, AZ 85016
17 Phone: (602) 388-4192

18 John Christiansen
19 c/o SEDGWICK, DETERT, MORAN & ARNOLD
20 801 S. Figueroa Street, 19th Floor
21 Los Angeles, California 90017
22 Phone: (213) 426-6900

23 Any or all of the credit unions identified by Cumis as its subrogees
24 c/o SEDGWICK, DETERT, MORAN & ARNOLD
25 801 S. Figueroa Street, 19th Floor
26 Los Angeles, California 90017
27 Phone: (213) 426-6900

28 Curtis Yee
Verifi
8391 Beverly Blvd., Box #310
Los Angeles, CA 90048
(323) 655-5789

Alex Kravchenko
(Address and telephone number currently unknown)

1
2 John Patty
3 (Address and telephone number currently unknown)

4 Gary Scott
5 (Address and telephone number currently unknown)

6 Lauren Holloway
7 (Address and telephone number currently unknown)

8 Steve Ruwe
9 (Address and telephone number currently unknown)

10 Chris Novak
11 (Address and telephone number currently unknown)

12 Guardent (Person Most Knowledgeable)
13 (Address and telephone number currently unknown)

14 McGladrey & Pullen (Person Most Knowledgeable)
15 (Address and telephone number currently unknown)

16 John Pappajohn
17 (Address and telephone number currently unknown)

18 R. Scott Patterson
19 (Address and telephone number currently unknown)

20 Thomas P. Staudt
21 (Address and telephone number currently unknown)

22 David L. Warnock
23 (Address and telephone number currently unknown)

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Dated: March 1, 2010

Respectfully submitted,

IRELL & MANELLA LLP
Steven A. Marenberg
Alison L. Plessman
Jeremiah Kelman

By: /s/ Alison L. Plessman
Alison L. Plessman
Attorneys for Defendants SAVVIS,
Inc. and SAVVIS Communications
Corporation, Inc.